IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No. 5246 of 1997

For Approval and Signature:

HONOURABLE MR.JUSTICE M.R. SHAH

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1 Whether Reporters of Local Papers may be allowed to see the judgment ?

2 To be referred to the Reporter or not ?

3 Whether their Lordships wish to see the fair copy of the judgment ?

4 Whether this case involves a substantial question of law as to the interpretation of the constitution of India, 1950 or any order made thereunder ?

5 Whether it is to be circulated to the civil judge ?

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SUCHETA M CHAUDHARY
Versus
DEAN/ BJ MEDICAL COLLEGE AND ANOTHER

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Appearance :
MR PK PANCHOLI for the Petitioner
Mr Vipul Mistry, AGP for the respondents

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CORAM : HONOURABLE MR.JUSTICE M.R. SHAH

Date : 12/04/2007

ORAL JUDGMENT:

By way of this petition under Article 226 of the Constitution of India the petitioner has prayed for an appropriate writ, direction and/or order quashing and setting aside the Government Resolution dated

23.7.1993 and for a declaration that they are entitled for HRA as per the Government Resolution dated 20.10.1987.

Shri Mistry, learned AGP has submitted that other identical petitions raising the similar controversy being Special Civil Application No.5944 of 1986 and others are dismissed by this Court relying upon the judgment of the learned Single Judge of this Court (Coram: Ravi R Tripathi, J.) rendered in Special Civil Application No.9998 of 2001. It is not in dispute that all the issues which are raised in the present Special Civil Application are already considered in the said decision rendered by the learned Single Judge of this Court (Coram: Ravi R Tripathi, J.) in Special Civil Application No.9998 of 2001.

I have gone through the judgment and order dated 8th March 2004 and this Court is in complete agreement with the reasoning of the learned Single Judge while disposing of Special Civil Application No.9998 of 2001. Nothing has been pointed out on behalf of the petitioner to take a contrary view than the one taken by the learned Single Judge in Special Civil Application No.9998 of 2001. Under the circumstances and for the reasons stated in the judgment and order of this Court dated 8th March 2004 in Special Civil Application No.9998 of 2001, the present Special Civil Application is dismissed. Rule is discharged. Ad-interim relief granted earlier is vacated. There shall be no order as to costs.

(M.R.Shah, J.)

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